IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 905 of 2007(G)

PETITIONER:

P.K.JAYAPRAKASH, PARUTHIKKATTIL HOUSE,
ANJILITHANAM P.O., MALLAPPALLY, KAVIYOOR,
THIRUVALLA.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:
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1. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

2. CIRCLE INSPECTOR OF POLICE,
MALLAPPALLY.

3. SUB INSPECTOR OF POLICE,
KEEZHVAIPUR.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).905/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE CERTIFICATE NO.A4:1294/06 KDIS DATED 22.2.2006 ISSUED BY THE TAHSILDAR.

EXT.P2: COPY OF THE LOCATION SKETCH IS ISSUED BY THE VILLAGE OFFICER DATED NIL.

EXT.P3: COPY OF THE QUARRYING PERMIT NO.671/05-06/QP/MM/GS/284/DOPTA/M/06 DATED 1.3.2006.

EXT.P4: COPY OF THE SHOT FIRER'S PERMIT DATED 4.1.1993 ISSUED BY THE CHIEF CONTROLLER OF EXPLOSIVE SOUTH CIRCLE, MADRAS.

EXT.P4(A): COPY OF THE LETTER NO.KL732/E DATED 9.9.2005.

EXT.P5: COPY OF THE AGREEMENT DATED 16.3.2006.

EXT.P6: COPY OF THE CURRENTLY VALID QUARRYING PERMIT DATED 6.12.2006.

EXT.P7: COPY OF THE JUDGMENT DATED 13.6.2006 IN W.P.(C).7691/06 OF THIS HON'BLE COURT.

EXT.P8: COPY OF THE JUDGMENT DATED 19.7.2006 IN W.A.NO.1240/06 OF THIS HON'BLE COURT.

EXT.P9: COPY OF THE JUDGMENT DATED 29.11.2006 IN W.P.(C).31650/06 OF THIS HON'BLE COURT.

EXT.P10: COPY OF THE REPRESENTATION DATED 3.1.2007 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.905 OF 2007 (G)

Dated this the 27th day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition alleging police harassment. According to the petitioner, petitioner is running a small quarry. Police is obstructing the same. Govt.Pleader on instructions submitted that in view of the complaint raised by the local persons enquiry was conducted and petitioner was asked to produce all the licenses. The quarrying can be conducted in the absence of any prohibitory orders issued by Statutory authorities or Court and after obtaining license from the Panchayat, consent from the Geologist and no explosives can be used without license from the Director of Explosives. Therefore police should see that while quarrying and blasting the license conditions or permit conditions are not violated and it cannot be called a harassment and if petitioner had all the required licenses and

he is running the quarry strictly as per the terms of the conditions of the licenses police shall not obstruct. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007